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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,712	02/25/2002	Lalitha Agnihotri	US020056	5878

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P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/084,712		AGNIHOTRI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hoang-Vu A. Nguyen-Ba		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8,9,11,13-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11,13-17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed October 11, 2006.
2. Claims 1-6, 8-9, 11, 13-17 and 20-21 are now pending. Claims 1, 9, 20 and 21 are independent claims.

### ***Response to Amendments***

3. Per Applicant's request, Claims 1, 9, 11, 13-17 and 20 have been amended; Claims 7, 10, 12 and Claims 18-19 have been canceled; and Claim 21 has been added.
4. The objection to Claims 18 and 19 under 37 CFR 1.75 as being a substantial duplicate of Claims 11 and 12, respectively is withdrawn in view of Applicant's cancellation of these claims.
5. The rejection of Claims 1-5, 10 and 13-16 under 35 USC 102(e) as being anticipated by Ward III et al. ("Ward") is withdrawn in view of Applicant's amendments to Claim 1 (which now incorporates feature of Claim 7), cancellation of Claim 10 and amendments to Claims 13-16 to currently depend from new Claim 21.
6. The rejection of Claims 1 and 10 under 35 USC 102(b) as being anticipated by Klosterman et al. ("Klosterman") is withdrawn in view of Applicant's amendments to Claim 1 and cancellation of Claim 10.
7. The rejection of Claim 17 under 35 USC 103(a) as being unpatentable over Ward in view of Shoff et al. ("Shoff") is moot and withdrawn in view of Applicant's cancellation of Claim 10 (from which Claim 17 previously depended).
8. The rejection of Claims 11, 18 under 35 USC 103(a) as being unpatentable over Ward in view of Ahmad et al. ("Ahmad") is moot and

withdrawn in view of Applicant's cancellation of Claim 10 (from which Claims 11 and 18 previously depended).

9. The rejection of Claims 8, 12, and 19 under 35 USC 103(a) as being unpatentable over Klosterman in view of Schoff and further in view of Ochiai et al. ("Ochiai") is withdrawn considering Applicant's Amendments to Claim 1 and cancellation of Claim 10 (from which Claims 12 and 19 previously depended).

10. The rejection of Claims 9 and 20 under 35 USC 103(a) as being unpatentable over Walker et al. ("Walker") in view of Eyer et al. ("Eyer") is withdrawn considering Applicant's amendments to Claim 9 and to Claim 20 which now incorporates features similar to those of Claim 11.

### ***Response to Arguments***

11. Applicant's arguments regarding the rejection of Claim 7 under 35 USC 103(a) as being unpatentable over Ward in view of Ahmad have been fully considered but are not persuasive.

With respect to **Currently Amended Claim 1** which is "original Claim 1 + original Claim 7," Applicant essentially argued that: i) the Office action relies on Ahmad to cure the deficiency of Ward and that none of the disclosure, teaching or suggestion in Ahmad pertains to summaries of episodes; ii) "the specification makes clear that a news broadcast is outside scope of an episode of a television program as that term is defined according to claim 1" (Remarks/Arguments, p. 12, lines 4-6).

In response to the argument in i), the examiner notes that since Applicant's specification does provide nowhere a clear and distinct definition of an "episode," the Office action will interpret this term in view of the term

definition in the Merriam Webster dictionary. According to the dictionary, an episode, which is “an event that is distinctive and separate although part of a larger series,” appears to correctly match the event summary reported on Thu, 3 Aug 95 and the one reported on Wed, 2 Aug 95, each one distinctive and separate from the other but part of a larger series of events caused by the Erin tropical storm (Ahmad, FIG, 2B).

In response to the argument in ii), the examiner respectfully notes that nowhere in Applicant’s specification there is clearly disclosed or suggested that a news broadcast is outside scope of an episode of a television program. Even assuming, *arguendo*, that Applicant’s disclosure does disclose such a limitation, this limitation should not be read into the claim for the purpose of distinguishing the claim over the teaching of the prior art of record.

Therefore, the rejection of Claim 7 under 35 USC 103(a) as being unpatentable over Ward in view of Ahmad is maintained and is reproduced hereinafter.

With respect to **Currently Amended Claim 9:**

i) Applicant essentially submitted that with respect to the limitation “events” in original Claim 6 and now Claim 9 (Claim 6 rewritten in independent form), none of the “target specifications” disclosed, taught, or suggested in FIG. 3 of Shoff corresponds to events as recited in claim 9. In response, the examiner respectfully directs Applicant’s attention to the “Description” column of the data structure depicted in FIG. 3, where there is shown “The Secret of Gila Junction,” “The Friars Club,” “Delta Vega” which are interpreted each to be an event in an episode of a television program and “Jessica...”, “jerry

tries...”, “Picard is faced...” are the claimed “information about events.”

ii) Applicant further argued that it is impermissible for an Examiner to engage in hindsight reconstruction of the prior art using Applicant’s claims as a template and selecting elements from references to fill the page. In response, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant’s disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this instance, “identifying information about events...”, “extracting the information about events...”, and “transmitting the information about events...” are acts that are known and can be programmed by one of ordinary skill in the art.

iii) Applicant further submitted that the alleged motivation by the Office action (i.e., “supplying supplemental information to enhance the traditional way of viewing television”) to combine is insufficient to satisfy the motivation required to arrive at the specific combination recited in Claim 9. In response to applicant’s argument, it should be noted that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). In this instance, considering the alleged motivation

in the context of the whole paragraph 1:32-46, one would not see any obvious differences between the motivation suggested in Shoff from that of Applicant's motivation (see Applicant's specification, p. 2, lines 9-12) to combine the prior art in order to arrive at the claimed subject matter.

Therefore, the rejection of Amended Claim 9 under 35 USC 103(a) as being unpatentable over Ward in view of Shoff is maintained and reproduced hereinafter.

**Currently Amended Claim 20:** since Claim 20 is a means for version of Claim 1, the same comments discussed supra with respect to Claim 1 apply.

For the remaining claims, see the respective rejections presented hereinafter.

12. Applicant's amendments necessitate the new grounds of rejection presented hereinafter.

### ***Claim Objection***

13. Claims 9 and 20 are objected to because of the following minor informalities:

**Currently Amended Claim 9:** the conjunctive "and" at the end of line 5 should be deleted.

**Currently Amended Claim 20:** a conjunctive – and – should be inserted at the end of line 5, i.e., after "combining summaries of other episodes."

***Claim Rejections – 35 USC §112***

14. The following is a quotation of the second paragraph of the 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 1, 16 and 20 are rejected under 35 U.S.C. §112 , second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Lack of antecedent basis:

**Currently Amended Claim 16:** the limitation “the means for downloading” recited at lines 1-2 lacks proper antecedent basis.

b. Vague, unclear and indefinite:

**Currently Amended Claims 1 and 20:**

Claims 1 and 20 recite “other episodes” at line 5. Since a particular episode has not been introduced and claimed before, it is unclear what “other episodes” are being referred to.

Furthermore, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). In the present instance, Claims 1 (line 3) and 20 (line 2) recite the broad recitation “information about a television program,” and the claims also recite “summaries of other episodes” at line 5, which is the narrower statement of the range/limitation “information about a television program.”



***Claim Rejections – 35 USC § 103***

16. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-5, 8 and 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,756,997 to Ward III et al. (“Ward”) in view of U.S. Patent No. 6,263,507 to Ahmad (“Ahmad”).

**Currently Amended Claims 1 and 20**

Ward discloses a method and a corresponding video processing system comprising:

*connecting to web site including information about a television program being watched* (see at least 18:19-34);

*downloading the information from the website* (see at least 18:19-34);

*processing the information* (see at least 18:19-34);

*displaying the information along with the television program being watched* (see at least 18:19-34).

Ward does not specifically disclose the processing the information to *include[e] combining summaries of other episodes*. However, in an analogous art Ahmad discloses news summaries of different episodes (e.g., Insure’s Eye Erin’s Costs on Thu, 3 Aug 95 and Erin: QA Tropical Storm on Wed, 2 Aug

95) of a main series of event, which is the Erin tropical storm (see at least FIG. 2B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the supplemental information method of Ward using the summary combining of Ahmad for the purpose of allowing a body of information to be displayed by electronic devices in a manner that allows the body of information to be reviewed quickly and in a flexible manner.

#### **Claim 2**

The rejection of base claim 1 is incorporated. Ward further discloses *where the information about the television program is selected from the group consisting of textual information, audio information, video information and applications* (see at least 18:19-34).

#### **Claim 3**

The rejection of base claim 1 is incorporated. Ward further discloses *where the information about a television program is selected from the group consisting of a particular item in the program, a particular event, a character's role in the program, a history of the program, a summary of other episodes of the program, individual summaries of other episodes and similar events in other episodes* (see at least 18:19-34).

#### **Claim 4**

The rejection of base claim 1 is incorporated. Ward further discloses *where the connecting to the web site includes using a mechanism selecting from the group*

*consisting of a tag from an electronic program guide that correspond to the television program being watched, a search engine and a predetermined address of a website (17:54-65).*

#### **Claim 5**

The rejection of base claim 1 is incorporated. Ward further discloses *wherein downloading the information from the website includes:*

*extracting the information from the website (18:19-34); and  
transmitting the information over a network (see at least 18:19-34).*

#### **Claim 8**

The rejection of base claim 1 is incorporated. Ward does not specifically disclose *wherein processing the information includes combining video clips of events in other episodes to an event in the television program being watched.* However, in an analogous art Ahmad discloses three single video images that each represents a news story from a news program and that are displayed on one common screen (see at least FIG. 2B, item 213 and 17:1-3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the supplemental information method of Ward using the summary combining of Ahmad for the purpose of enabling a user to control the display of an audiovisual news program by causing a summary of one or more news stories to be displayed.

#### **New Claim 21**

Ward discloses a method comprising:

*connecting to web site including information about a television program being watched (see at least 18:19-34);*

*downloading the information from the website* (see at least 18:19-34);  
*processing the information* (see at least 18:19-34);  
*displaying the information along with the television program being watched*  
(see at least 18:19-34).

Ward does not specifically disclose *wherein processing the information includes combining video clips of events in other episodes to an event in the television program being watched*. However, in an analogous art Ahmad discloses three single video images that each represents a news story from a news program and that are displayed on one common screen (see at least FIG. 2B, item 213 and 17:1-3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the supplemental information method of Ward using the summary combining of Ahmad for the purpose of enabling a user to control the display of an audiovisual news program by causing a summary of one or more news stories to be displayed.

#### **Currently Amended Claim 11**

The rejection of base claim 21 is incorporated. Since Claim 11 recites the same feature of combining summaries of other episodes recited in Claim 1, the same rejection is thus applied.

#### **Currently Amended Claim 13**

The rejection of base claim 21 is incorporated. Since Claim 13 recites the same feature of Claim 2, the same rejection is thus applied.

#### **Currently Amended Claim 14**

The rejection of base claim 21 is incorporated. Since Claim 14 recites the same feature of Claim 3, the same rejection is thus applied.

**Currently Amended Claim 15**

The rejection of base claim 21 is incorporated. Since Claim 15 recites the same feature of Claim 4, the same rejection is thus applied.

**Currently Amended Claim 16**

The rejection of base claim 21 is incorporated. Since Claim 16 recites the same feature of Claim 5, the same rejection is thus applied.

18. Claims 6 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,756,997 to Ward III et al. ("Ward") in view of U.S. Patent No. 6,263,507 to Ahmad ("Ahmad"), as applied to the base claim, and further in view of U.S. Patent No. 6,240,555 to Shoff et al ("Shoff").

**Claim 6**

The rejection of the base claim 1 is incorporated. The combined Ward-Ahmad does not specifically disclose *wherein downloading the information from the website includes:*

*identifying information about events in other episodes similar to an event in the television program being watched;*

*extracting the information about events in other episodes from the website;*

and

*transmitting the information about events in other episodes over a network.*

However, in an analogous art, Shoff discloses the identifying step (see at least 5:60-64; 11:28-34; 7:25-50); the extracting step (see at least 6:23-48); and

the transmitting step (see at least FIG. 2; FIG. 4, items 74, 82; and 4:36-55) as claimed.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the supplemental information method of Ward-Ahmad using the episode information extraction method of Shoff for the purpose of supplying supplemental information to enhance the traditional way of viewing television.

#### **Claim 17**

The rejection of base claim 21 is incorporated. Since Claim 17 recites the same features of Claim , the same rejection is thus applied.

19. Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,756,997 to Ward III et al. ("Ward") in view of U.S. Patent No. 6,240,555 to Shoff et al ("Shoff").

#### **Claim 9**

Ward discloses a method comprising:

*connecting to web site including information about a television program being watched* (see at least 18:19-34);

*downloading the information from the website* (see at least 18:19-34);

*processing the information* (see at least 18:19-34);

*displaying the information along with the television program being watched* (see at least 18:19-34).

Ward does not specifically disclose *wherein downloading the information from the website includes:*

*identifying information about events in other episodes similar to an event in the television program being watched;*

*extracting the information about events in other episodes from the website;*

and

*transmitting the information about events in other episodes over a network.*

However, in an analogous art, Shoff discloses the identifying step (see at least 5:60-64; 11:28-34; 7:25-50); the extracting step (see at least 6:23-48); and the transmitting step (see at least FIG. 2; FIG. 4, items 74, 82; and 4:36-55) as claimed.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the supplemental information method of Ward using the episode information extraction method of Shoff for the purpose of supplying supplemental information to enhance the traditional way of viewing television.

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:15 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



January 11, 2007

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